

Division 3. Air Resources Board

Chapter 1. Motor Vehicle Pollution Control Devices

Article 2. Approval of Motor Vehicle Pollution Control Devices (New Vehicles)

§ 1950. Requirements.

No motor vehicle pollution control device for new motor vehicles shall be approved unless such device meets the standards set forth in this article, and all other applicable criteria set forth in Chapter 2 of Part 5 of Division 26 of the Health and Safety Code, commencing with section 43100, and in this subchapter.

NOTE: Section 209 of the federal Clean Air Act (42 U.S.C. 7543) provides:

(a) No state or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part. No State shall require certification, inspection, or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment.

(b)(1) The Administrator shall, after notice and opportunity for public hearing, waive application of this section to any State which has adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, if the State determines that the State standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards. No such waiver shall be granted if the Administrator finds that

(A) the determination of the State is arbitrary and capricious,

(B) such State does not need such State standards to meet compelling and extraordinary conditions, or

(C) such State standards and accompanying enforcement procedures are not consistent with section 202(a) of this part.

(2) If each State standard is at least as stringent as the comparable applicable Federal standard, such State standard shall be deemed to be at least as protective of health and welfare as such Federal standards for purposes of paragraph (1).

(3) In the case of any new motor vehicle or new motor vehicle engine to which State standards apply pursuant to a waiver granted under paragraph (1), compliance with such State standards shall be treated as compliance with applicable Federal standards for purposes of this title.

(c) Whenever a regulation with respect to any motor vehicle part or motor vehicle engine part is in effect under section 207(a)(2), no State or political subdivision thereof shall adopt or attempt to enforce any standard or any requirement of certification, inspection, or approval which relates to motor vehicle emissions and is applicable to the same aspect of such part. The preceding sentence shall not apply in the case of a State with respect to which a waiver is in effect under subsection (b).

(d) Nothing in this part shall preclude or deny to any State or political subdivision thereof the right otherwise to control, regulate, or restrict the use, operation, or movement of registered or licensed motor vehicles."

Information regarding waivers of federal preemption for the new motor vehicle and new motor vehicle engine emission standards and accompanying enforcement procedures included in this article may be obtained from the Air Resources Board at 9528 Telstar Avenue, El Monte, California 91731.

NOTE: Authority cited: Sections 39600, 39601 and 43100, Health and Safety Code. Reference: Sections 39002, 39003, 43000 and 43011, Health and Safety Code.

REFERENCE